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Attorneys for Plaintiffs WILLIAM BLACKBURN and
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM BLACKBURN, BRAD
MICKELSEN,

Plaintiffs,

v.

GROWLIFE, INC., a Delaware
corporation; MARCO HEGYI, an
individual; MARK SCOTT, an individual;
and DOES 1-100, inclusive,

Defendants.

CASE NO. 2:20-CV-01855-MCE-CKD

**STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE
DEADLINES**

Judge: Hon. Morrison C. England, Jr.

Plaintiffs William Blackburn and Brad Mickelson (“Plaintiffs”) and Defendant GrowLife, Inc. (“Defendant”) (together, “the Parties”) stipulate as follows:

RECITALS

1. On September 15, 2020, the Court issued its Initial Pretrial Scheduling Order in this case. The Initial Pretrial Scheduling Order and Federal Rule of Civil Procedure 26 set the following deadlines:

Rule 26(f) Conference: November 13, 2020

Initial Disclosures: November 27, 2020

Submission of Discovery Plan: November 27, 2020

2. On September 29, 2020, the Court issued an order requiring Defendants to show cause why judgment should not be entered in Plaintiffs' favor ("OSC"). Defendants filed their response on October 13, 2020. On October 23, 2020, the Court set a briefing schedule on the OSC. Plaintiffs filed their response to Defendants' opposition to the OSC on November 6, 2020, and Defendants filed their reply on November 13, 2020.

3. Rule 26(f)(3) requires the Parties' proposed discovery plan to consider, among other things, the subjects on which discovery may be needed; when discovery should be completed; whether discovery should be conducted in phases or be limited to or focused on particular issues; whether any changes should be made in the limitations on discovery imposed under the Federal Rules of Civil Procedure; and the need for any additional orders under Rule 26(c) and/or Rule 16(b) and (c).

4. The Parties participated in an initial Rule 26(f) conference on November 13, 2020. In this conference, the Parties discussed, among other things, their obligations to preserve ESI; the need for a stipulated protective order; and the timing, sequence, and scope of discovery.

5. The Parties agree that the Court's ruling on the OSC may significantly impact the scope of discovery in this matter, including the subjects on which discovery may be needed; when discovery should be completed. The Court's ruling on the OSC may also warrant conducting discovery in phases or limiting or focusing discovery on particular issues. Finally, the Court's order may warrant changes in the limitations on discovery imposed under the Federal Rules of Civil Procedure and additional orders under Rule 16(b), Rule 16(c), and/or Rule 26.

6. The Parties further agree that staying discovery until the Court rules on the OSC will allow the Parties to meaningfully meet and confer about the topics set forth in Rule 26(f), will prevent the Parties from wasting their time and resources conducting discovery on issues that may be moot, and will avoid burdening the Court with addressing multiple proposed discovery plans and potential discovery disputes.

7. Good cause therefore exists to modify the schedule set forth in the Court's Initial Pretrial Scheduling Order.

STIPULATION

Accordingly, the Parties stipulate as follows:

1. The Parties will serve limited initial disclosures, focused on the witnesses and documents relevant to Plaintiffs' claim for rescission and Defendants' defenses thereto, on or before November 27, 2020.
 2. Within fourteen days after the Court issues its order on the OSC, the Parties will conduct a further Rule 26(f) conference.
 3. Within fourteen days of the Parties' further Rule 26(f) conference, the Parties will serve further initial disclosures as required by Rule 26(a).
 4. Within fourteen days of the Parties' further Rule 26(f) conference, the Parties will submit to the Court a written report outlining the Parties' discovery plan as required by Rule 26(f).
 5. All discovery shall be stayed until the Parties' further Rule 26(f) conference.
 6. The remaining case deadlines shall be continued as follows:
 - Close of Fact Discovery:** 365 days from the date of the Court's ruling on the OSC
 - Expert Disclosures:** 60 days after the close of fact discovery
 - Supplemental Expert Disclosures:** 30 days after the designation of expert witnesses
 - Dispositive Motions Filed:** 180 days after the close of fact discovery
 - Joint Notice of Trial Readiness:** 30 days after receiving the Court's ruling on the last-filed dispositive motion, or 30 days after supplemental expert disclosures if no dispositive motions will be filed.
- IT IS SO STIPULATED.

DATED: November 24, 2020

REYNOLDS TILBURY WOODWARD LLP

By: /s/ Treven I. Tilbury

TREVEN I. TILBURY
Attorneys for Plaintiffs WILLIAM BLACKBURN and
BRAD MICKELSEN

DATED: November 24, 2020

HORWITZ + ARMSTRONG


By: /s/ John R. Armstrong (as authorized on
November 24, 2020)

JOHN R. ARMSTRONG
Attorneys for Defendant
GROWLIFE, INC.

ORDER

IT IS SO ORDERED.

Dated: December 4, 2020


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

William Blackburn, et al.,) US District Court, Eastern District of California
v.) Case No. 2:20-cv-01855-MCE-CKD
Growlife, Inc., et al.)

I am a citizen of the United States and am employed within the County of Placer; I am over the age of eighteen years and not a party to the within action; my business address is Reynolds Tilbury Woodward LLP, 11601 Blocker Drive, Suite 105, Auburn, CA 95603.

On the date indicated below, I served the within copy (or copies) of:

STIPULATION AND [PROPOSED] ORDER CONTINUING CASE DEADLINES

On the interested parties in said action addressed as follows:

John Robert Armstrong *Attorneys for Defendants*
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► () **BY MAIL** -- by placing a true copy thereof enclosed in an envelope addressed as set forth above. I am readily familiar with this office's practice whereby the mail is sealed, given the appropriate postage and placed in a designated mail collection area. Each day's mail is collected and deposited in a United States mailbox after the close of each day's business.

► () **BY OVERNIGHT MAIL** -- by depositing with an overnight delivery service company for delivery to the addressee(s) on the next business day.

► (**XX**) **BY ELECTRONIC MAIL** – via the Court's CM/ECF system at the email address(es) set forth above on the below date.

► () **BY PERSONAL DELIVERY** -- by causing personal delivery by (*Delivery Service*) of the document(s) listed above to the person(s) at the address(es) set forth above.

I declare under the penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed on November 24, 2020, at Auburn, California.

s/Paige Thomas
Paige Thomas